

**MINUTES OF THE
UTAH WATERWAYS TASK FORCE**

Thursday, June 24, 2010 – 10:00 a.m. – Department of Natural Resources

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Melvin R. Brown, House Chair
Sen. Margaret Dayton
Sen. Peter C. Knudson
Sen. Benjamin M. McAdams
Sen. Karen W. Morgan
Rep. Jack R. Draxler
Rep. James R. Gowans
Rep. Lynn N. Hemingway
Rep. Kay L. McIff

Members Absent:

Sen. Curtis S. Bramble
Rep. Ben C. Ferry

Staff Present:

Mr. J Brian Allred, Policy Analyst
Mr. Christopher R. Parker Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stowell called the meeting to order at 10:05 a.m. Members of the Task Force introduced themselves.

2. Review of 2010 General Session H.B. 141

Mr. Parker reviewed 2010 General Session H.B. 141, "Recreational Use of Public Water on Private Property," which was included in the mailing packet. He explained that in 2008, the Utah Supreme Court issued the Conatser v. Johnson ruling, which declared there was a public right to recreate on public waters of the state, even if they run onto private land. Mr. Parker explained that H.B. 141 is the Legislature's attempt to solve some of the problems and questions raised by the court case. He stated that in 2011 the crux of the legislation will take effect, which is the right of the public to establish a right to recreate on public waters based on historic prescriptive use.

3. Division of Wildlife Resources Presentation

Mr. Jim Karpowitz, Director, Division of Wildlife Resources (DWR), gave a presentation to the Task Force. He explained that fishing is a \$708 million industry in Utah. Fishing generates \$393 million in retail sales in Utah and almost \$40 million in state and local tax revenues. He showed an interactive map that depicts which streambeds in the state are privately or publicly owned. He discussed options to increase public access, including acquisition, easement, lease, and landowner incentives and outlined the challenges associated with each option.

Mr. Karpowitz discussed Walk-in-Access (WIA) areas, which are a tract of private land for which the DWR has obtained hunting, fishing, and/or trapping privileges. He showed the members a video about the WIA program. He outlined the requirements to enroll a property in the WIA program and the program's benefits. Mr. Karpowitz discussed the current number of contracts enrolled in the program and the landowner payment schedule for fishing access.

Mr. Boyde Blackwell, WIA Access Program Coordinator, indicated that very few private landowners have dropped out of the program once they have had an opportunity to see how it works. He stated that many landowners who sign up request the three-year program rather than the one-year program.

Mr. Karpowitz responded to questions from the Task Force. He discussed options for funding angler access, including additional General Fund appropriations, a general fishing license increase, and a new stamp or authorization for anglers using WIA sites.

Mr. Greg Sheehan, Administrative Services Section Chief, discussed fee changes and what happens when they occur. He noted that nonresident fees were increased significantly 6-7 years ago and as a result, there was a severe drop in license sales for a few years. Mr. Sheehan pointed out that for each combination license sold, the state receives \$22 in federal funds.

Mr. Alan Clark, Assistant Director, DWR, discussed the results of the 2009 Utah Angler Survey. He noted that anglers who fish rivers and streams on private property are more willing to support a license fee increase for a stream access program than those who do not fish rivers and streams. Approval for a license fee increase to support a stream access program decreases for all anglers when the increase is \$5 rather than \$1.

Mr. Walt Donaldson, Aquatic Section Chief, DWR, pointed out that the hatchery program is raising approximately 1.3 million pounds of fish—over 95 percent of which is going to flatwater. He said that a large portion of Habitat Council and Blue Ribbon money is going to stream restoration and access to anglers.

4. Task Force Discussion - Scheduling of Future Meetings

The members discussed possible future meeting sites. Chair Stowell asked the members to email their meeting preferences to him and Rep. Brown.

5. Board Vans for Site Visits

Chair Stowell adjourned the meeting at 12:00 noon. The Task Force boarded vans to visit the following sites:

- Judd Property WIA Location - Mr. Clint Brunson, Northern Regional WIA Program Manager, DWR, explained that the WIA program is easy to understand and that sportsmen play a significant role in it.

Mr. Arlen Judd, property owner, discussed the positive aspects of having a WIA area on his property. He said that since signing up, those using the property have kept it clean.

- Upper Provo River - maintenance pullout at the turn to the State Park - Mr. Karpowitz explained that Victory Ranch purchased the area and is developing it for the use of its private landowners.

Officer Paul Davis, Conservation Officer, DWR, stated most fishermen who frequent the area know where they can and cannot fish.

Mr. Chris Barkey, fisherman, explained that the area has, at times, been a source of confrontation between anglers and private landowners.

Mr. Steve Barth, representing Victory Ranch, pointed out that they are very conservation minded and have spent millions of dollars on the waterway.

- Middle Provo River - Mr. Karpowitz stated the area is one of the most heavily fished in the state.

Mr. Ashley Green, Division Lands and CUP Coordinator, DWR, discussed how the ecological function of the river has been restored. He said anglers are being encouraged to keep the fish in places where they are overabundant.